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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,124	12/20/2000	Fulu Li	061473/0270197	9983
27498	7590	02/19/2004	EXAMINER	
PILLSBURY WINTHROP LLP 2475 HANOVER STREET PALO ALTO, CA 94304-1114			PHAN, HANH	
			ART UNIT	PAPER NUMBER
			2633	6

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/746,124

**Applicant(s)**

LI, FULU

**Examiner**

Hanh Phan

**Art Unit**

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-23 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Figures 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 and 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Simmons (US Patent No. 6,396,852).

Regarding claims 1 and 14, referring to figures 4 and 5, Simmons discloses a method for configuring an optical network having a plurality of nodes (i.e., nodes 1-4, Fig. 4) and a

plurality of light-paths (i.e., light paths 24, 26, 28, 30 and 32, Fig. 4) between the nodes, comprising the steps of:

firstly concatenating together a first set of the light-paths into circular segments (Fig. 4); and

secondly concatenating together a second set of the light-paths into non-circular segments, the second set of the light-paths being comprised of a remainder of the plurality of light-paths less the first set of the light-paths (col. 2, lines 30-41 and col. 4, lines 12-63).

Regarding claims 2 and 19, Simmons further teaches the firstly and second concatenating steps are performed so that no light-path in any of the circular segments and non-circular segments overlaps another light-path in the same circular segment and non-circular segment (Fig. 4).

Regarding claims 3 and 20, Simmons further teaches the circular segments comprise at least one of the plurality of light-paths, a starting node of the at least one light-path and a terminating node of the at least one light-path being the same one of the plurality of nodes (Fig. 4).

Regarding claims 4 and 21, Simmons further teaches the circular segments comprise at least first and second ones of the plurality of light-paths, a terminating node of the first light-path and a starting node of the second light-path being the same one of the plurality of nodes (Fig. 4).

Regarding claims 5 and 22, Simmons further teaches the non-circular segments comprise at least one of the plurality of light-paths, a starting node of the at least one

light-path and a terminating node of the at least one light-path being different ones of the plurality of nodes (Fig. 4).

Regarding claims 6 and 23, Simmons further teaches the non-circular segments comprise at least first and second ones of the plurality of light-paths, a terminating node of the first light-path and a starting node of the second light-path being the same one of the plurality of nodes (Fig. 4).

Regarding claims 7 and 15, Simmons further teaches the firstly concatenating step includes the step of searching the plurality light-paths in a top-down fashion so that circular segments having fewer light-paths are concatenated together before circular segments having more light-paths (Fig. 4, col. 2, lines 30-41 and col. 4, lines 12-63).

Regarding claims 8 and 16, Simmons further teaches the secondly concatenating step includes the step of searching the remainder of the plurality of light-paths in a reverse top-down fashion so that non-circular segments having more light-paths are concatenated together before non-circular segments having fewer light-paths (Fig. 4).

Regarding claims 12 and 17, Simmons further teaches the firstly and secondly concatenating steps are performed so that a number of the non-circular segments is minimized (Fig. 4).

Regarding claims 13 and 18, Simmons further teaches assigning a respective unique wavelength to each of the circular segments and non-circular segments in accordance with an OWDM scheme (Figs. 4 and 5).

***Allowable Subject Matter***

4. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang (US Patent No. 6,667,981) discloses a method for placing add/drop multiplexers in a ring network.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



Hanh Phan

02/09/2004